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Letter dated 29 June 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

I have the honour to submit herewith a summary of the open debate held by the Security Council on 22 May 2018 on the protection of civilians in armed conflict, compiled by Poland as the President of the Security Council in May 2018, as well as a summary of the side events that followed the open debate, prepared by their organizers (see annex).

I am very grateful for your contribution to the open debate. I also hope that the attached summaries of the ideas that were expressed, while not representing their endorsement, will provide a basis for further action in advance of the twentieth anniversary of the first resolution ever adopted by the Security Council on the protection of civilians, in September 1999.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Joanna **Wronecka**
Ambassador

18-11437 (E) 240718

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Annex to the letter dated 29 June 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

Presidential summary of the open debate held by the Security Council on 22 May 2018 on the protection of civilians in armed conflict

Introduction

On 22 May 2018, the Security Council held an open debate at the ministerial level on the protection of civilians in armed conflict, during Poland's presidency of the Security Council. The debate was held to discuss the annual report of the Secretary-General on the protection of civilians in armed conflict (S/2018/462) and to promote practical measures to enhance the protection of civilians and minimize the ongoing harm inflicted upon civilians in many armed conflicts around the world.

The present summary reflects the main themes and ideas for action that emerged from the debate, as captured by the presidency. While it does not represent an endorsement of those ideas, the summary provides a basis for further action in advance of the twentieth anniversary of the first resolution ever adopted by the Security Council on the protection of civilians, in September 1999. A full record of the open debate is available on the website of the Council (S/PV.8264).

Summary

Overall, 85 speakers, Member States (including at the ministerial level) and regional organizations spoke at the event. Briefings were given by the Secretary-General, the Director General of the International Committee of the Red Cross (ICRC), Yves Daccord, and a civil society representative, Hanaa Edwar, co-founder of the Iraqi Al-Amal Association.

Recurring themes highlighted by numerous Member States included national policies as examples of practical measures to protect civilians, accountability for violations of international humanitarian law and international human rights law, enhancing protection of medical care in conflict, the protection of civilians through United Nations peacekeeping operations and unhindered humanitarian access in areas of armed conflict.

The debate was opened by the Secretary-General, who underlined that the most effective way to protect civilians was to prevent conflicts and to end them. While describing the situation as bleak, the Secretary-General acknowledged that there was growing recognition that respect for international humanitarian law and human rights law contributed to reducing conflict and countering terrorism. He recommended that:

- All Governments develop national policy frameworks to protect civilians in conflict and set out proactive measures that mitigate and respond to civilian harm
- Member States support the United Nations and others in engaging with non-State armed groups to develop policies, codes of conduct and action plans to protect civilians
- Member States support heightened advocacy relating to the protection of civilians and make concerted efforts to ensure accountability for serious violations to end the climate of impunity

The ICRC Director General underlined that there was a need to match the normative and policy fronts with actions on the ground and that the most effective

way to reduce and prevent suffering was to uphold the fundamental principle of humanity, including in places of detention. He emphasized that States must not only respect international humanitarian law but also influence those that they that partnered with or supported to ensure the latter's compliance with the principles of such law. He also stressed the importance of addressing the problem of missing persons, as failing to do so could have a long-term impact on reconciliation, stability and peace. The project on international humanitarian law in action was referred to as a way to promote evidence-based examples of respect for the law by parties to armed conflict around the world, which were underreported, in order to reaffirm the positive impact of the law.

Drawing on her personal experience, Ms. Edwar underlined the imperative of providing access to justice to victims of armed conflict and of ensuring accountability. She underlined that those efforts must be clearly linked to reconciliation processes, emphasized the importance of inclusive policymaking at the community level and called for a gender-sensitive approach to facilitate social cohesion. Any efforts should address the long-standing, structural drivers of conflict in order to build communities' capacity for early warning.

Participants discussed practical measures taken by parties to armed conflict, Member States, the United Nations and other partners to improve respect for international law, including international humanitarian law and human rights law. Those measures serve to enhance the protection of civilians, including persons in vulnerable situations or in need of special protection, namely women, children, persons with disabilities, missing persons and their families and detainees.

Speakers re-emphasized the need to uphold international humanitarian and human rights law. They stressed the responsibility of parties to armed conflict to respect and ensure respect for the law, and to protect and meet the basic needs of civilian populations under their effective control. They further called upon parties to armed conflict to take all feasible precautions to minimize harm to civilians, in particular in urban environments. Reference to accountability for violations of international humanitarian and human rights law, including through international mechanisms, was repeatedly made. Member States called for unhindered humanitarian access and noted that violations of international law led to large-scale displacements and to the global protection crisis.

Many delegations strongly condemned attacks against humanitarian personnel and facilities, as well as other obstruction to humanitarian access, and called for the facilitation of such access and for accountability for impediments that amounted to international law violations. The majority of speakers emphasized the need to implement the provisions of resolution 2286 (2016) relating to the protection of medical care in situations of conflict and condemned ongoing attacks on medical personnel and facilities and other forms of obstruction to impartial medical care in zones of armed conflict.

The use of explosive weapons in populated areas, in particular in the context of hostilities in urban environments, featured in a significant number of statements. Many speakers deplored the destruction of essential civilian objects in zones of hostilities and the long-term humanitarian impact on entire communities. Attacks against education facilities were notably highlighted and condemned by many delegations, and reference was made to the importance of the Safe Schools Declaration as a needed political commitment to protecting education in conflict. In addition, attacks on media personnel were noted as extremely worrying.

The protection of civilians through United Nations peacekeeping operations was also a central theme of the debate. Numerous countries, including major troop- and police-contributing countries to United Nations peacekeeping operations, made

reference to the need to ensure that such operations were equipped with adequate resources and capabilities to implement their mandates. Speakers called for clear, realistic and achievable mandates for peacekeeping operations from the Security Council.

The importance of gender-responsive protection was highlighted by many delegations, including in the context of United Nations peacekeeping operations, in particular in responding to sexual and gender-based violence in conflict, as well as to the diverse protection needs of women, girls, men and boys.

Ideas for action

A large number of ideas and reference points were put forward during the debate. A compilation of recurring ideas is presented below in an effort to stimulate future deliberations on how to enhance the protection of civilians and civilian harm mitigation at all levels:

International level

- Prioritizing the protection of civilians, including in the mandates of United Nations peacekeeping missions. Member States were encouraged to further strengthen the normative architecture for civilian protection and take concrete action to advance the agenda in lead up to the twentieth anniversary of resolution 1265 (1999).
- Prioritizing conflict prevention and addressing the root causes of conflict, which will help to build social cohesion and promote and protect human rights, also through the implementation of the 2030 Agenda for Sustainable Development. Preventive diplomacy, mediation and the peaceful settlement of conflict by political means should be further encouraged.
- Developing intergovernmental initiatives to strengthen respect for international humanitarian and human rights law should be encouraged as a means of sharing best practices and overcoming challenges to the practical implementation of relevant legal instruments, as well as those advocating respect for international humanitarian and human rights law, including unimpeded access to humanitarian aid.
- Improving data collection, monitoring and the reporting of compliance with international humanitarian and human rights law.
- Building partnerships among States, practitioners, civil society and humanitarian organizations. Creating an inclusive environment to increase trust among partners. Supporting organizations that work towards increasing the protection of civilians, including the Office for the Coordination of Humanitarian Affairs, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, ICRC, Médecins sans frontières and Center for Civilians in Conflict.
- Engaging in a dialogue with parties to conflict, including with armed forces and non-State armed groups, to make them understand their obligations and act accordingly by changing their practices.
- Creating strong, clear and achievable mandates to protect civilians for United Nations peacekeeping operations, and equipping those missions with adequate resources and capacity to implement their mandates effectively. Supporting the Action for Peacekeeping reform initiative of the Secretary-General will be crucial to improve the protection of civilians by United Nations peacekeeping

operations. Protection mandates should be linked to comprehensive political strategies.

- Strengthening the civilian components of peacekeeping operations and ensuring that all components of United Nations missions cooperate and act in an integrated manner, including in threat assessments, operational planning and decision-making. Posts and programmatic activities important to the protection of civilians, including for human rights monitoring and reporting and gender mainstreaming, should be better funded.

- Developing and implementing a comprehensive performance policy for United Nations peacekeeping operations that identifies transparent standards for performance. Ensuring the implementation of the policy of the Department of Peacekeeping Operations and the Department of Field Support on accountability for the implementation of the protection-of-civilians mandates. Organizing predeployment, in-theatre and post-deployment training for military and civilian personnel of United Nations peacekeeping missions.

- Enhancing safe and responsible community engagement by United Nations peacekeeping operations, including with women, youth and civil society, to improve the protection of civilians.

- Integrating gender perspectives across the operations of United Nations missions, including in the composition of peacekeeping operations.

- Enabling preventive tactical deployments by United Nations peacekeeping operations in areas where there is a high potential of violence against civilians.

- Enhancing cooperation with regional and subregional organizations that can support United Nations peacekeeping operations through, for example, information sharing.

- Integrating peacebuilding objectives into peacekeeping and recognizing the role of peacekeepers as early peacebuilders.

- Focusing on enforcing accountability for crimes that have been committed. Conducting independent and impartial investigations into specific incidents. Making use in this regard of existing instruments and bodies, such as the International Humanitarian Fact-Finding Commission. Encouraging the Secretary-General to use his powers under Article 99 of the Charter of the United Nations to bring imminent or unfolding large-scale attacks on civilians to the attention of the Security Council.

- The Security Council is encouraged to use all the tools at its disposal to protect civilians, including sanctions; arms embargos; fact-finding missions; independent mechanisms to gather, collect and store evidence; commissions of inquiry; and justice mechanisms, to bring the perpetrators of crime to justice, including international and hybrid tribunals. The Council is also asked to strengthen its support for national judicial proceedings and hybrid mechanisms. The Council heard the call to condemn starvation, sexual and gender-based violence as methods of war.

- The Security Council is asked to refer the most serious crimes to the International Criminal Court with greater frequency, when national jurisdiction fails.

- Member States are encouraged to develop further initiatives to limit the use of a veto in the Security Council in cases related to war crimes, crimes against humanity and genocide.

- Considering engaging and supporting non-military protection tools, including unarmed civilian protection.
- Providing the financial and technical support necessary for Member States to implement their national frameworks and facilitate transitional justice efforts.

National level

- Developing national policy frameworks on the protection of civilians, consistent with the report of the Secretary-General on the protection of civilians in armed conflict, including the recommendations contained in its annex. Integrating international humanitarian and human rights law into national policies and programmes and amending penalty codes and other laws.
- Setting out proactive measures regarding the mitigation of and response to harm done to civilians by national military forces, partner forces and international coalitions. Prioritizing capacity-building and awareness-raising among national security institutions and national armed forces. Gathering good-quality data to develop better tools to prevent harm from occurring, and mitigating its consequences when it does. Providing post-harm compensatory measures or assistance to civilians. Training military personnel throughout their careers. Improving their ability to protect civilians in urban warfare, including through finding alternatives to the use of explosive weapons.
- Making arms transfers and exports conditional on the respect for international humanitarian and human rights law, in line with the Arms Trade Treaty, and, more generally, using all means of leverage consistent with international law to influence the behaviour of parties to a conflict.
- Providing unhindered access to humanitarian assistance.
- Integrating gender-perspective into the implementation of international humanitarian and human rights law.
- Following the Nelson Mandela Rules in planning prison infrastructure. Providing detention staff with training, capacity and independent oversight to manage places of detention, as well as enabling the rapid enforcement of judicial and procedural safeguards. Listing the names of detainees to prevent them from going missing and facilitating communication between them and their families.
- Engaging in early action to prevent people from going missing, including by collecting and centralizing information on the dead and missing persons and effectively searching for those reported missing; mapping, marking and protecting all gravesites; ensuring a dignified and adequate management of the dead so that human remains can be properly identified, and families can be informed of their loss and retrieve the remains of their loved ones; and ensuring that appropriate national legal frameworks are in place to enable those actions.
- Making concerted efforts to ensure accountability for serious violations and abuses of international law to end the climate of impunity and provide for credible national investigations into serious violations and full support for the work of the International Criminal Court. Developing more effective military justice systems.
- Supporting the United Nations and others in engaging with non-State armed groups to develop policies, codes of conduct and action plans to protect civilians.
- Ensuring that national legislation enables health-care professionals to carry out their work impartially and safely, in line with international humanitarian law and medical ethics.

- Supporting behavioural change initiatives and other means of awareness-raising aimed at increasing respect for health-care workers in general, so that they may work in safe conditions, even under the most difficult circumstances.
- Reviewing military doctrine, procedures, planning and practice to protect medical care in the conduct of military operations. Ensuring conflict-specific training and support for health-care professionals, providing capacity-building and ensuring the preparedness of health-care systems. Ensuring that national legislation enables health-care professionals to carry out their work impartially and safely, in line with international humanitarian law and medical ethics.
- Introducing programmes that support the disarmament, demobilization and reintegration of ex-combatants. Strengthening institutions to provide support and assistance to victims. Introducing psychological rehabilitation programmes to facilitate reconciliation.
- Conducting comprehensive security sector reforms that will help to maintain good governance.
- Supporting transitional justice, promoting and protecting the rule of law and human rights.
- Securing and destroying stockpiles of weapons.
- Consistently advocating the protection of civilians and respect for international humanitarian and human rights law. Making voluntary commitments and setting new goals in this regard.

Detailed ideas for action to be introduced by all parties to a conflict

- Protecting civilians, including those in high-risk professions, health and media workers, translators and interpreters.
- Establishing units that coordinate the protection of civilians under their command, and cooperate with the United Nations on the provision of training and technical assistance.
- Reassessing and adapting the choice of weapons in urban warfare.
- Avoiding the use of explosive weapons that have an impact over a wide area in densely populated areas. Investigating and evaluating the impact of any strike.
- Assuming that any site or object is a protected civilian object unless proven otherwise. Mapping and updating maps of civilian sites, including medical facilities, educational institutions and places of worship.
- Opposing delays and bureaucratic impediments, including delays in issuing permits or visas, that hinder effective humanitarian action.
- Combating sexual violence, including as a tactic of war. Counteracting the practice of starving civilian populations as a method of war, as it constitutes a violation of international humanitarian law.
- Opposing the criminalization of principled humanitarian aid under the pretext of countering terrorism and measures that pose obstacles to humanitarian activities.

Enclosure I

Best practices presented during the open debate held by the Security Council on 22 May 2018 on the protection of civilians in armed conflict

- Numerous Member States referred to their national institutions that operate to strengthen respect for international humanitarian and human rights law, including interagency institutions (commissions) monitoring the incorporation of international humanitarian and human rights law into national legislation and commissions established to compensate victims affected by military operations and terrorist attacks. In addition, Member States presented national centres established to coordinate work related to crisis management and to guarantee the delivery of humanitarian assistance.

- Policies and practices in civilian harm mitigation and response, such as civilian casualty tracking by the African Union Mission in Somalia and the International Security Assistance Force in Afghanistan, as well as the national policy on civilian casualty prevention and mitigation of the Government of Afghanistan, were highlighted by a number of delegations as important developments in enhancing the protection of civilians.

- A number of delegations mentioned the positive effects of the development of a legal framework, including declarations, joint deeds of commitments, guiding principles and codes of conducts, such as the Safe Schools Declaration, the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, the Call to Action on Protection from Gender-based Violence in Emergencies, and the declaration on the protection of medical and humanitarian personnel in conflict led by France.

- Long-term national strategies and plans of actions dealing with the protection of civilians were promoted. The development of internal regulations that facilitated humanitarian assistance was considered effective.

- The real-time surveillance system for attacks on health care of the World Health Organization, as an example of improved data collection, and the Healthcare in Danger initiative of the International Committee of the Red Cross, which addresses the issue of medical personnel protection, were cited as examples of best practices and initiatives to be further built upon.

- The Security Council heard about the humanitarian aid programmes designed to link security and development, including reintegration programmes for children and young people.

- Member States elaborated on international conferences that they organized to raise awareness and encouraged the holding of retreats and brainstorming sessions to develop innovative solutions.

- Integrated training sessions and courses for peacekeeping personnel from several countries were repetitively described as effective. Some delegations praised the sharing and translation into multiple languages of training materials.

- Pilot projects to develop and implement innovative approaches, such as the Elsie Initiative on Women in Peace Operations, were encouraged.

- Partnerships between Member States and civil society to elaborate ways forward to enhance the abilities of armed forces to meet their obligation to protect and respect health care in armed conflict while performing duties were encouraged.

- As examples of community-level engagement that increases the protection of civilians, community alert networks and community liaison assistants were mentioned.
- The Charter on Inclusion of Persons with Disabilities in Humanitarian Action was referred to as an example of an approach to include persons in vulnerable situations.
- The establishment of commissions working on gathering evidence to ensure accountability and support the prosecution of war crimes or other violations of international law was mentioned.

Enclosure II

International legal framework recommended for endorsement and implementation during the open debate held by the Security Council on 22 May 2018 on the protection of civilians in armed conflict

1. Hague conventions of 1899 and 1907; Geneva Conventions of 1949 and their additional protocols of 1977 and 2005; Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its protocols; Convention on the Prevention and Punishment of the Crime of Genocide; Convention on Cluster Munitions; Arms Trade Treaty; Rome Statute of the International Criminal Court and Amendments to the Rome Statute of the International Criminal Court on the crime of aggression; and International Convention for the Protection of All Persons from Enforced Disappearance.

2. Security Council resolutions 1265 (1999), 1786 (2007), 1894 (2009), 2222 (2015) and 2286 (2016).

3. General Assembly resolution 46/182.

4. Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by the Accountability, Coherence Transparency Group; Nelson Mandela Rules; Kigali Principles on the Protection of Civilians; Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers; Safe Schools Declaration; declaration on the protection of medical and humanitarian personnel in conflict; and Guiding Principles on Internal Displacement.

Enclosure III

Summary of side events following the open debate on the protection of civilians in armed conflict*

Side event 1

Protection of civilians in counter-terrorism contexts: safeguarding the space for principled humanitarian action

23 May 2018, International Peace Institute

Side event 1 was jointly organized by the Permanent Mission of Switzerland to the United Nations and the International Peace Institute.

Speakers

Naz Modirzadeh, Director, Harvard Law School Program on International Law and Armed Conflict; Yves Daccord, Director General, International Committee of the Red Cross; and Marine Buissonnière, consultant (in collaboration with Safeguarding Health in Conflict, the University of Essex and the Special Rapporteur of the Human Rights Council on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health).

Summary

Counter-terrorism measures are key to ensuring individual and collective security. As recognized in General Assembly resolution 70/291, it is important that counter-terrorism legislation and measures should not impede humanitarian and medical activities or engagement with all relevant actors as provided under international humanitarian law. However, relevant Security Council resolutions give Member States no concrete guidance as to what this implies at the national level. Moreover, there is a growing body of evidence that counter-terrorism measures can infringe upon the protection of civilians by having a negative impact on the provision of assistance and protection undertaken in accordance with humanitarian principles.

Against this backdrop, the discussion showed the importance of identifying ways and means of ensuring that counter-terrorism measures do not adversely affect the protection of civilians and, instead, safeguard and ensure the protection of health care and principled humanitarian action. This required urgent action by all relevant parties, in particular Member States, as the examples put forward by the panellists confirmed that counter-terrorism measures could have a very significant impact by diminishing the space for principled humanitarian action. Examples mentioned in that respect included:

- The growing criminalization of humanitarian action in certain contexts, in particular through vague formulations (e.g. unqualified prohibition of acts of "material support to" or "association with") in some national counter-terrorism legislation
- Cases of prosecution against individuals who had provided medical care or performed other humanitarian activities
- The exclusion of entire groups of people from the beneficiaries of humanitarian assistance, in particular in areas where armed groups designated as terrorists are active, thus challenging the principles of impartiality and independence of

* The present enclosure aims at providing a brief summary of the discussions, as captured by the organizers. It does not necessarily reflect the views of the panellists, the organizers or of the co-sponsors of the event.

humanitarian assistance and having a negative impact on the trust in humanitarian actors

- Excessively stringent counter-terrorism funding conditions in donor agreements, which have the potential to impede the provision of humanitarian services and to be de facto contrary to the mandates or missions of impartial humanitarian organizations

Recommendations

The discussion allowed for the identification of several recommendations for fully upholding international law while taking counter-terrorism measures, including:

- Ensuring that legislation adopted by States does not run counter to the principles that they have supported and endorsed through international humanitarian law treaties and does not challenge principled humanitarian action
- Inserting so-called "humanitarian exemptions" in counter-terrorism measures at the international, regional and national levels
- Adopting a very careful and precise language on international humanitarian law and humanitarian action in relevant texts (such as Security Council sanctions or the United Nations Global Counter-Terrorism Strategy)
- Now that the negative impact of some counter-terrorism measures has been concretely documented, exploring ways of bringing that issue to the relevant forums and into a wider political discussion
- Ensuring the inclusivity of the discussion, including with States and relevant institutions and communities of experts (such as humanitarian and counter-terrorism stakeholders or banking regulators)

Side event 2

Protecting and caring for the wounded and the sick in armed conflict: ongoing challenges and initiatives

23 May 2018, United Nations Headquarters

Side event 2 was organized by the Office for the Coordination of Humanitarian Affairs, the Permanent Missions of Afghanistan, France, Poland and Switzerland to the United Nations, the World Health Organization and Safeguarding Health in Conflict.

Speakers

Mariusz Lewicki, Deputy Permanent Representative of Poland to the United Nations; Mark Lowcock, United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; François Delattre, Permanent Representative of France to the United Nations; Jürg Lauber, Permanent Representative of Switzerland to the United Nations; Nazifullah Salarzai, Deputy Permanent Representative of Afghanistan to the United Nations; Rudi Coninx, Chief a.i., Humanitarian Policy and Guidance, Emergency Operations, Health Emergencies Programme, World Health Organization (WHO); Wojtek Wilk, Chief Executive Officer, Polish Center for International Aid; and Leonard Rubenstein, Chair, Safeguarding Health in Conflict.

Summary

The obligation for parties to conflict to search, collect, respect and care for the wounded and the sick, including members of the enemy, may be the most direct expression of the very spirit of international humanitarian law. With this in mind, the aim of the side event was to explore ways to further improve respect for international humanitarian law in that regard and to discuss the state of implementation of landmark resolution 2286 (2016) of the Security Council.

While impediments to the impartial provision of medical care are well known, only recently have a number of stakeholders engaged in various initiatives to enhance the protection of medical care in conflict areas, which have the potential for ultimately making a difference on the ground. The report of the Safeguarding Health in Conflict coalition entitled "Violence on the Front Line: Attacks on Health Care in 2017" provided an overview of the state of medical care in areas of armed conflict in 2017 and of the challenges for facilitating the provision of impartial medical care to the wounded and the sick worldwide. The discussion touched upon different practical solutions, such as the Surveillance System for Attacks on Health Care, launched by WHO to ensure the systematic monitoring of acts of violence against health care, or political declarations renewing previous commitments. France then presented its own practice on the ground, as carried out by its military forces, as well as a political declaration signed by 11 countries that set concrete measures, including a review of national legislation, investigating and documenting incidents, and ensuring that military policies, procedures and practices take the protection of civilians into account.

Recommendations

- Implementing and supporting the implementation of the Secretary-General's recommendations submitted to the Security Council pursuant to resolution 2286 (2016)

- Ensuring respect for the law and the national implementation of international law through norms and standards, including by partners and proxies
- Amending national laws, where needed, to protect impartial health care, including counter-terrorism law. It is crucial to engage the law enforcement sector
- Strengthening military practice and training to avoid harm to the wounded and the sick and damage to health-care facilities, at the same time as ensuring access to health care by combatants
- Identifying and documenting best practices is important to increase the protection of civilians and to integrate them further into existing programmes
- Strengthening investigation measures by collecting data on the extent and nature of the problem and investigating every single attack against hospitals, medical teams and ambulances, as well as instances of occupation of or limitation of access to medical facilities, including killing or mistreating medical staff and patients. Ensuring the accountability of military and police forces
- Working with all parties to ensure that preventive measures are put in place. Engaging in good offices with the warring parties to develop local agreements on access by ambulance services
- Increasing funding, in particular for secondary health care in complex emergency situations and refugee crises
- Ensuring that there are consequences for violators through international investigations, international accountability and diplomatic action

Side event 3

Protect health care — Save more lives!

23 May 2018, United Nations Headquarters

Side event 3 was co-organized by Permanent Missions of Côte d'Ivoire, Spain and Sweden to the United Nations, the International Committee of the Red Cross (ICRC) and the Swedish Red Cross.

Speakers

Olof Skoog, Permanent Representative of Sweden to the United Nations; Jorge Moragas, Permanent Representative of Spain to the United Nations; Ibrahima Toure, Counsellor, Permanent Mission of Côte d'Ivoire to the United Nations, Ulisses Gomes, Head of Policy, Office of Military Affairs, Department of Peacekeeping Operations; Philip Spoerri, Permanent Observer of the ICRC to the United Nations; Denise Duran, ICRC delegate; and Dick Clomén, Head of Policy, Swedish Red Cross.

Summary

The purpose of the side event was to advance the discussion on concrete examples and best practices on how armed forces meet the obligation to ensure the protection of and respect for health care in armed conflict, while performing their duties. Sweden, Spain, Côte d'Ivoire, the Department of Peacekeeping Operations, ICRC and the Swedish Red Cross presented practices and views on how medical care in armed conflict can be protected and how resolution 2286 (2016) can be implemented.

ICRC and the Swedish Red Cross presented the launch of a joint study, the overall purpose of which is to boost the ability of States' armed forces to respect and protect health care while carrying out military operations in armed conflict (and other emergency situations), and to mitigate the impact of their operations on health-care services, including aspects relating to the planning and conduct of operations. A representative sample of countries will be examined, covering professional military forces and conscription-based armies that are currently operating in armed conflict or have been recently. Ten or more countries, as well as three multilateral military entities, will be studied. A public report outlining practical and tested solutions, challenges and gaps in military manuals on the protection of health care in armed conflict and other emergency situations will be issued and will include recommendations on how to engage with military armed forces to provide advice and guidance on the protection of health care. It is crucial to find ways in which States' armed forces can contribute to, and benefit from, this study.

Recommendations

- All Member States should ensure that international humanitarian law, including the protection of civilians and the protection of health care, is included in military training, as it is key to the successful implementation of resolution 2286 (2016). The experience of Côte d'Ivoire serves as a good example, as health-care facilities were successfully protected during the internal conflict of 2002–2011
- There is a need for stronger positioning within and outside the Security Council to advance the agenda to protect health care, for example, in the General Assembly and in meetings with the troop-contributing countries

- In April, Spain organized the first retreat on international humanitarian law for Security Council members, focusing on the protection of health care in armed conflict and the implementation of resolution 2286 (2016). At that meeting, participants underlined among other conclusions that, in order to perceive substantive changes on the ground, efforts should be coming primarily from States and parties to the conflict. Spain is planning to organize similar retreats on an annual basis, which will further advance the agenda

Side event 4

Protecting civilians from the use of explosive weapons in populated areas

23 May 2018, United Nations Headquarters

Side event 4 was co-organized by the Permanent Missions of Austria, Ireland, Mexico and Mozambique to the United Nations and the International Network on Explosive Weapons.

Speakers

Jan Kickert, Permanent Representative of Austria to the United Nations; Anna de Courcy Wheeler, Article 36; Véronique Christory, International Committee of the Red Cross (ICRC); and Sahr Muhammedally, Center for Civilians in Conflict.

Summary

At the side event on harm done to civilians by explosive weapons used in populated areas, in addition to underscoring the direct and disproportionate effect of the use of such weapons on civilians (notably that 92 per cent of victims of those weapons are civilians), ICRC and Article 36 focused their presentations on less visible indirect and long-term effects, for example psychosocial harm, forced displacement and the consequences of the destruction of vital infrastructure and services. The Center for Civilians in Conflict presented possible approaches for armed forces to better evaluate the civilian damages caused by military action in order to reduce harm to civilians resulting from the use of explosive weapons in populated areas, citing concrete examples from Somalia and Afghanistan. Mozambique gave a briefing on the process leading to the adoption of the communiqué on protecting civilians from the use of explosive weapons in populated areas adopted in Maputo in November 2017, led by strongly engaged African countries. The communiqué contributes to the elaboration of a political declaration and deals with the urgent issue of the storage of explosive weapons.

Recommendations

- All Member States and civil society should engage in the development of international standards, including an international political declaration on the use of explosive weapons in populated areas
- Member States should elaborate operational and military policies and practice to restrict and manage the effects of explosive weapons on the area where they are used, e.g. by drawing on collections of best practices
- Member States and civil society should take part in or organize regional events on the use of explosive weapons in populated areas, e.g. in the forthcoming meeting of Latin American and Caribbean States in Chile later in 2018

Side event 5

Obstructing aid, impacting civilians: practical implications of denial of humanitarian access

23 May 2018, United Nations Headquarters

Side event 5 was organized by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

Speakers

Jonathan Allen, Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom to the United Nations; Beverley Warmington, Director, Conflict, Humanitarian and Security, Department for International Development of the United Kingdom; and civil society representatives.

Summary

Participants in the event contributed concrete examples of denial of humanitarian access to the ongoing discussion on measures that can be taken to prevent the practice and hold perpetrators to account.

The discussion emphasized the horrific consequences of denying access to humanitarian agencies that provide essential goods and services in Myanmar, South Sudan and elsewhere, and called upon perpetrators to stop that practice and upon the international community to hold them to account. It is crucial for humanitarian workers to be allowed safe passage. Upholding humanitarian norms and principles is a major pillar of the new Humanitarian Reform Policy published by the United Kingdom in 2017.

The briefings focused on the international humanitarian law framework surrounding the denial of humanitarian access and the cases of Myanmar and South Sudan.

With respect to the international humanitarian law framework, the briefing focused on the key elements of the framework that apply to the denial of humanitarian access, namely: (a) States have the primary responsibility for ensuring that their citizens' basic needs are met; (b) in conflict, where civilians' basic needs may not be met, offers can be made to provide aid and cannot be construed as an interference with the State's responsibility; (c) aid can be provided subject to consent by State and non-State parties in control of the territory in question; (d) consent cannot be withheld arbitrarily; and (e) parties to a conflict must facilitate the passage of aid to civilians.

The briefing on Myanmar emphasized that aid agencies always aimed to provide assistance to those most in need. Needs assessments are key in the delivery of goods and services, in order to serve populations in need effectively. In Myanmar, the Rohingya have relied on humanitarian aid for several years, not just since the violence that started in August 2017. Similarly, restrictions on aid agencies attempting to gain access to the State of Rakhine have existed for years. Access now remains severely restricted. For example, it takes two weeks for aid workers to obtain travel authorizations to enter Rakhine, and even then they are usually only allowed in for 14 to 30 days, after which time they have to leave and go through the process again. This interrupts the delivery of aid and affects people in need. Kachin and Shan States are also affected by similar issues. In addition, aid agencies have had no access to non-government-controlled areas since June 2016.

During the discussion on South Sudan, concerns were raised that parties to the conflict were actively blocking the delivery of humanitarian assistance and that South Sudan was one of the most dangerous operating environments in the world for humanitarian activities, with more than 100 aid workers killed since the conflict had begun. Participants also expressed concern that government, non-government, community and other stakeholders mistrusted aid workers and non-governmental organizations in South Sudan, despite their best efforts to maintain a neutral position and image, and suggested that the international community support aid agencies in correcting the public misconception that aid workers and organizations were not impartial.

Recommendations

- Humanitarian agencies and workers need to communicate more clearly their neutrality, impartiality and mandates, to strengthen stakeholder trust
- National authorities and the international community need to redouble their efforts to ensure the safe passage of aid
- The international community needs to make it clear to the members of the Intergovernmental Authority on Development that they must reach an agreement and that perpetrators of denial of humanitarian access must be held to account

Side event 6

Sustaining peace and preventing violence through unarmed civilian protection

24 May 2018, United Nations Headquarters

Side event 6 was co-organized by the Permanent Missions of Australia and Uruguay to the United Nations.

Speakers

Tegan Brink, Deputy Permanent Representative of Australia to the United Nations; Luis Bermúdez, Deputy Permanent Representative of Uruguay to the United Nations; Rachel Julian, Director of the Centre for Applied Social Research, Leeds Beckett University, United Kingdom of Great Britain and Northern Ireland; Carmen Lauzon-Gatmaytan, Programme Development Officer in Mindanao, Philippines, Nonviolent Peaceforce; Yasmin Maydhane, Civic Engagement Protection Officer, Nonviolent Peaceforce in South Sudan; and Youssef Mahmoud, Senior Adviser, International Peace Institute.

Summary

At the event, participants explained how trained unarmed civilians can directly protect other civilians from violence and threats of violence and, through this action, make unarmed civilian protection unique. For more than 35 years, non-governmental organizations (NGO) have demonstrated that unarmed civilian protection works in a variety of violent conflict situations. Based on the study of projects on unarmed civilian protection, it was found that: lives were saved; communities were able to stay at home rather than be displaced; peace and human rights work was better supported; and involving more people and in a wider area who lived and worked in affected communities supported the re-establishment of relationships and communication across divided communities. The attitude and behaviour of armed actors were changed, and the process had an impact over time.

Unarmed civilian protection challenges the widespread assumptions that, where there is violence, soldiers are needed, and that armed actors will only yield to threats of violence. Unarmed peacekeepers can carry out most traditional peacekeeping tasks and work in places where traditional peacekeeping works.

The practical use of unarmed civilian protection was demonstrated through the examples of areas of Mindanao in the Philippines and of South Sudan. In the Philippines, Nonviolent Peaceforce, along with two local NGOs, was invited in 2009 by both the Government of the Philippines and Moro Islamic Liberation Front to be part of the civilian protection component of the ceasefire. For the following four years, Nonviolent Peaceforce had nine teams across Mindanao that monitored, verified, reported and responded to threats to civilians on a daily basis. More importantly, they trained 300 local people to do the same. This deepened the coverage of the ceasefire and built ownership of the peace process at the grass-roots level. Skirmishes between government forces and Moro Islamic Liberation Front dropped from 115 in 2009 to 0 in 2011. This civilian-based ceasefire monitoring can be applied in other areas of the world. During the siege of Marawi in 2017, Nonviolent Peaceforce helped to evacuate 1,500 people from the city and initiated a peace corridor. They continue to provide protection to internally displaced people. In December 2017, Nonviolent Peaceforce hosted a workshop on unarmed civilian protection good practices for the Asia region, with the assistance of Australia. Good practices identified included: unarmed civilian protection is dependent on

relationships with all parties to the conflict; local or national actors and international actors play complementary roles; local ownership and participation are essential; unarmed civilian protection involves capacity recognition more than capacity-building; and dialogue has both encouragement and deterrent power. In South Sudan, 170 unarmed civilian protectors have formed 14 Nonviolent Peaceforce teams around the country. Those teams provide accompaniment to threatened people that allows them freedom of movement, so that they may be able to feed their families. Nonviolent Peaceforce has helped form more than 40 women's protection teams and trained more than 1,900 women in self-protection strategies. They put an end to sexual violence at certain checkpoints. Through its proactive presence, Nonviolent Peaceforce has secured access for medical staff to give polio vaccinations. Because of Nonviolent Peaceforce's day-to-day presence and the trust that they have built with communities, Nonviolent Peaceforce has been able to accompany the United Nations Mission in South Sudan to hard-to-reach areas.

The discussion demonstrated that most violence was decentralized and needed to be addressed locally. Outsiders have to be humble enough to recognize that people have capacity, and not just needs. Outsiders also have to understand that they are dispensable. Briefers recommended that the Security Council challenge the assumptions made in their mandates and analyse situations differently. There is a need to map what is already working, who the actors are and who can be trusted.

The main points of the side event were as follows:

- Necessity of an integrated approach that include both armed and unarmed approaches
- Local ownership is key
- Women's involvement is paramount
- The lack of common language and the dominance of men hinder United Nations armed peacekeeping efforts
- Unarmed civilian protection values mediation, negotiation, trust, continued community engagement, local ownership, solidarity, courage and generosity
- Cooperation with unarmed civilian protection should be mentioned in mandates adopted by the Security Council

Recommendations

- Member States should convene a friends of unarmed civilian protection group or a more informal working group to explore how unarmed civilian protection may complement peacekeeping missions and special political missions, as well as operate in non-mission settings where it can be deployed early to prevent larger-scale violence
- States should encourage communities to proactively work to deter violence or react in pre-planned ways to protect themselves from impending violence
- States should also strongly support the activities of local women's and young people's protection teams
- Unarmed civilian protection should be considered as a potential modality to be employed as a complement to peacekeeping missions and be included in mandates adopted by the Security Council, as appropriate
- The Security Council should recognize the necessity for an integrated approach that includes both armed and unarmed strategies

- The Department of Peacekeeping Operations should provide training to their armed and civilian personnel in unarmed methods to protect civilians and in community engagement
- Member States and the United Nations should implement unarmed civilian protection methods when appropriate to improve their ability to protect, for example in the protection of schools and hospitals and persons associated with them, as well as to facilitate the access of humanitarian relief
- Special political missions and peacekeeping missions should explore how civilian-based ceasefire monitoring (as done in Mindanao) could be applied in other country situations
- Special political missions and peacekeeping missions should work more closely with unarmed civilians protection actors who work in the same location

Side event 7

Primacy of politics and protection of civilians in United Nations peacekeeping

24 May 2018, International Peace Institute

Side event 7 was co-organized by International Peace Institute and the Permanent Mission of the Netherlands to the United Nations.

Speakers

Ralph Mamiya, former team leader for the protection of civilians, Department of Peacekeeping Operations, and author of the issue brief of the International Peace Institute on the protection of civilians and political strategies; Sébastien Lapierre, Policy, Evaluation and Training Division, Department of Peacekeeping Operations-Department of Field Support; Chloé Marnay-Baszanger, Office of the United Nations High Commissioner for Human Rights; Daniela Kroslak, Department of Peacekeeping Operations; and Alison Giffen, Center for Civilians in Conflict.

Summary

The event was part of the protection of civilians project recently launched by International Peace Institute and provided an opportunity to explore the perceived and actual tensions between the pursuit of political solutions and the protection of civilians in peacekeeping contexts. While the High-level Independent Panel on Peace Operations stressed the primacy of politics, most United Nations peacekeeping missions are mandated to protect civilians in challenging environments where the peace process has stalled, and where political solutions seem out of reach. In those contexts, military action to better protect local populations may appear as an operational imperative and a priority over the Mission's engagement in protracted and uncertain political processes.

The panel discussed situations in which the risk of competition between the primacy of politics and the centrality of protection arose, as well as situations where the two objectives were complementary and mutually reinforcing. Panellists also discussed the tensions arising when there was a lack of political engagement supporting the implementation of mandates to protect civilians. They highlighted the need to exploit the complementarity between politics and protection and to use political tools to pursue protection at the levels of the Security Council, the United Nations Secretariat and the missions. They highlighted good practices demonstrating synergies between protection and political strategies in Afghanistan, Mali, South Sudan and the Congo. The role of civilian components in pursuing the protection of civilians through political means was particularly emphasized. Calling for more robust political engagement by the Security Council to support the United Nations mission mandate to protect, they also emphasized that pursuing a protection of civilians strategy also helped to create space for political solutions.

Recommendations

Better linking and integrating the pursuit of political solutions and the protection of civilians in the strategy of peace operations, as mutually reinforcing objectives

Side event 8

Data-driven protection: how civilian casualty recording and civilian harm tracking can strengthen the protection of civilians

24 May 2018, United Nations Headquarters

Side event 8 was organized by the Permanent Missions of Afghanistan and Austria to the United Nations, the Office for the Coordination of Humanitarian Affairs, the Office for Disarmament Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Center for Civilians in Conflict.

Speakers

Jan Kickert, Permanent Representative of Austria to the United Nations; Nazifullah Salarzai, Deputy Permanent Representative of Afghanistan to the United Nations; Francesca Marotta, Head of Methodology and Training Section, OHCHR; Sahr Muhammedally, Director for Middle East and North Africa and South Asia, Center for Civilians in Conflict; Aurelien Buffler, Chief of Section, Policy Advice and Planning, Office for the Coordination of Humanitarian Affairs; and Michael Spies, Strategic Planning Unit, Office for Disarmament Affairs.

Summary

The importance and added benefits of systematized data collection through civilian casualty recording and civilian harm tracking were presented during the event. Drawing on experience from the impressive standard developed in Afghanistan, as well as its increasing use in other contexts, the advantages of data collection were shown to offer multifaceted advantages, namely: (a) a better understanding by commanders of harm done to civilians, allowing more effective, less harmful operations, and therefore a more effective implementation of the mission's mandate; (b) stronger protection of civilians resulting from this and from giving both mission commanders and political decision makers a clearer understanding of the harm done; and (c) increased data availability for decisions regarding arms control, regulation and exports.

Recommendations

- Further work was deemed necessary on standardizing data collection across the United Nations. This was an ongoing effort, which included indicator 2 of Sustainable Development Goal 16.1 (conflict-related deaths per 100,000 population, by sex, age and cause).
- Data collection, e.g. through civilian casualty recording and civilian harm tracking, was proposed to be expanded to other United Nations missions or entities to increase the data available and make progress on the protection of civilians in armed conflict.